

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EMILE MOREAU,

Petitioner,

-against-

ROBERT ERCOLE,

Respondent.

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08-CV-1545 (ARR)

NOT FOR PRINT OR
ELECTRONIC
PUBLICATION

ORDER

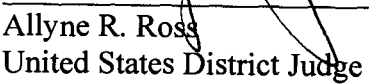
ROSS, United States District Judge:

In April 2008, petitioner Emile Moreau commenced this action by filing a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 2004 conviction for arson in the first degree, attempted murder in the second degree, and other offenses. In July 2008, respondent filed a memorandum of law in opposition to the petition, arguing that the petition should be dismissed because it contained unexhausted claims that petitioner could still raise in state court. In August 2008, this court granted petitioner's application for a stay of these proceedings pending resolution of his petition for a writ of error coram nobis. Since August 2008, petitioner may have filed other motions in state court, including a motion pursuant to Section 440.10 of the New York Criminal Procedure Law.

Respondent is directed to file by August 1, 2010, an updated answer to the petition, explaining the effect on the petition before this court of the Appellate Division's decision dated October 7, 2008 regarding the petition for a writ of error coram nobis and the decision of any state court on any other motions relating to the instant petition. Respondent is also directed to

produce and file with the court by August 1, 2010 a copy of the entire state court record, including the record pertaining to any such motion.

SO ORDERED.


Allyne R. Ross
United States District Judge

Dated: July 6, 2010
Brooklyn, New York

SERVICE LIST:

Pro Se Petitioner

Emile Moreau

No. 04A1588

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